

In the Matter of)
)
Amendment of the Commission's Rules)
Regarding Multiple Address Systems)

WT Docket No. 97-81

**REPLY COMMENTS OF
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communication Industry Association ("PCIA") hereby submits its reply comments in response to Comments filed in this proceeding.¹ PCIA urges the Commission to provide realistic interference protection for multiple address systems ("MAS") used as intermediate control links for paging transmitters and to avoid the use of competitive bidding for intermediate control links.

¹ PCIA is the international trade association created to represent the interests of both the commercial and the private mobile radio service communications industries. PCIA's Federation of Councils includes: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private Systems Users Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

**Realistic Interference Protection Must Be Afforded if
a Sound Paging Infrastructure Is To Be Maintained**

In its Comments, PCIA noted that the proposed 25 mile radius grandfathered service area proposed by the Commission often would be inadequate to protect facilities that had been developed under a very different assignment policy than the area licensing scheme proposed in this proceeding.² ProNet also recognized that the proposal set forth in the *Notice of Proposed Rule Making* (“*NPRM*”) would likely impair existing service and frustrate any realistic expansion plans of a carrier that had built a system in reliance on various 900 MHz MAS frequencies as control links:

“...[T]he Commission should allow incumbents to make any modifications to existing MAS facilities that do not increase the signal level at the outer perimeter of the incumbent’s protected area, *i.e.*, 90 miles with respect to co-channel fixed stations, and 70 miles with respect to mobile stations.... Alternatively, the Commission should adopt a service area larger than 25 miles to provide greater flexibility for paging control system configuration.... ProNet suggests a service radius of 45 miles.”³

Regardless of the approach taken, the critical point is that existing service must not be impaired. The 25 mile recommendation put forth in the *NPRM* would fail to afford the requisite flexibility.

² PCIA Comments at 3 - 4.

³ ProNet Comments at 9 - 10.

Competitive Bidding Should Not Be Used To Assign Intermediate Control Links

The Commission should not embrace auctions for the assignment of intermediate control links. As noted in the comments in this proceeding, the Commission has heretofore rejected the view that auctions were a desirable means to assign spectrum for intermediate control links.⁴

First, the use of auctions rests on the flawed premise that intermediate control links provide “subscriber-based services.” No one subscribes to service over a control link any more than a gas or electric utility customer or one buying transportation services from a railroad *subscribes* to automatic radio-based remote meter reading or supervisory control and data acquisition communications services. MAS systems used by paging carriers to control transmitters function in much the same way as those used by other MAS licensees for what is termed “internal” use.⁵ Indeed, the closest service to a “subscriber-based” service noted in the comments in this proceeding is that of Radscan, which offers MAS services to central station alarm companies. Even Radscan notes that its MAS operations are but one part of the service it offers to its subscribers and that these operations are not what is sold to subscribers.⁶ Because the paging industry’s use of MAS facilities for intermediate control links is essentially the same as those of energy and transportation carriers, paging carriers should remain eligible for licensing in MAS spectrum that is available to other non-government entities.

⁴ PCIA Comments at 3; ProNet Comments at 5 - 6; Joint Comments of AirTouch Paging and Arch Communications Group at 4 - 5.

⁵ ProNet Comments at 5 - 6; AirTouch/Arch Comments at 2 - 3.

⁶ Radscan at 6 - 7.

Second, to auction intermediate subscriber-links would overturn the decision the Commission reached earlier in the Competitive Bidding⁷ proceeding without a sound basis. In that proceeding the Commission correctly determined that competitive bidding should not be used for intermediate control links and could even hinder the deployment of new technologies. Now, the agency would reverse course because of its belief that likely uses have changed. The record does not support such a conclusion.

As the basis for its proposal to alter its plans for assigning authorizations in this spectrum through lotteries, the Commission has alluded to its “preliminary examination”⁸ of the pending applications and its conclusion that the vast majority propose subscriber-based services. Yet, in response to the inquiries of the utility industries, the Commission has been unable to provide any details of this analysis of pending applications.⁹ As such, the basis for this change of course has not been justified.

⁷ Implementation of Section 309(j) of the Communications Act - Competitive Bidding, *Second Report and Order*, PP Docket No. 93-253, 9 FCC Rcd 2348, 2355 (1994).

⁸ NPRM at ¶ 7.

⁹ Comments of UTC at 19 - 22; see also, Comments of the American Petroleum Institute at 18 - 22.

Conclusion

In resolving the issues affecting the MAS spectrum, the Commission should conclude that the integrity of existing links should be preserved that auctions are not appropriate for intermediate control links.

Respectfully submitted,

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